

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

[] BENTON [X] EAST ST. LOUIS [] CONTESTED [X] UNCONTESTED

MINUTES OF DISPOSITION

JUDGE: **Hon. David R. Herndon, Chief Judge**

U.S.A. v. **Jose Manuel Goyos, Jr.**

CRIMINAL NO.: **3:13-cr-30083-DRH-1**

REPORTER: **Laura Esposito**

DEPUTY: **Caitlin Fischer**

DEFT. COUNSEL: **Paul Sims**

GOVT. COUNSEL: **Nathan Stump**

DATE: **May 2, 2014**

TIME: **11:25 AM – 12:30 PM**

X Court orders recommendation to be placed under separate seal and counsel will not have access to same.

Court's rulings on objections to pre-sentence report: **Objections withdrawn-see addendum**

Offense Level: **34**

Criminal History Category: **I**

Sentence Range: **151-188 months**

Fine Range: **\$17,500-\$177,000**

Supervised Release Range: **2 – 5 years**

SENTENCE: 96 months as to Count 1 of the Indictment, custody of the Bureau of Prisons.

Defendant placed on **SUPERVISED RELEASE** for a term of: **3 years as to Count 1 of the Indictment.**

CONDITIONS OF SUPERVISED RELEASE:

- Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the United States Probation Office in the district to which he is released.
- Defendant shall not commit another federal, state or local crime.
- Defendant shall not unlawfully possess a controlled substance, and shall refrain from the unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 52 tests in one year.
- Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

- Defendant shall cooperate in the collection of DNA as directed by the probation officer.
- Defendant shall pay fines in accordance with the Schedule of Payments as ordered by the Court.
- Due to the defendant's substance abuse history, he shall participate, as directed and approved by the probation officer, in treatment for narcotic addiction, drug dependence, or alcohol dependence, which includes urinalysis and/or other drug detection measures and which may require residence and/or participation in a residential treatment facility, or residential reentry center. The number of drug tests shall not exceed 52 tests in a one-year period. Any participation will require complete abstinence from all alcoholic beverages and any other substances for the purpose of intoxication. The defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. The defendant's financial obligation shall never exceed the total cost of services rendered.
- Due to concerns related to the defendant's mental health, he shall participate in a program of mental health treatment, which may include participation in treatment for cognitive skills, or other forms of therapy or counseling that may be recommended, as directed by the probation officer. This may include a mental health assessment and/or psychiatric evaluation. This may require participation in a medication regimen prescribed by a licensed practitioner, at the direction of the probation officer. The defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. The defendant's financial obligation shall never exceed the total cost of services rendered.
- Defendant shall not be engaged in any business that offers securities, investments, or business opportunities to the public. The defendant is further prohibited from engaging in telemarketing, direct mail, or national advertising campaigns for business purposes without permission of the probation officer.
- Due to the instant offense defendant shall submit his person, residence, real property, place of business, computer, electronic communication and data storage device or media, vehicle, and any other property under his control to a search, conducted by any United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable and at the direction of the United States Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release, without a warrant. Failure to submit to such a search may be grounds for revocation. The defendant shall inform any other residents that the premises and other property under the defendant's control may be subject to a search pursuant to this condition.

- Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be paid in equal monthly installments of \$50 or ten percent of his net monthly income, whichever is greater. The defendant shall pay any financial penalty that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.

X Court finds that the defendant does not have the ability to pay interest and it is waived. It is further ordered that the defendant shall notify the United States Attorney for this District within 30 days of any change of name, residence, or mailing address until all, restitution, costs, and special assessments imposed by this judgment are fully paid. Liability ends when victim is fully compensated.

X Defendant shall pay a **FINE** in the amount of **\$1,000** payable to the Clerk, United States District Court, due immediately.

X **SPECIAL ASSESSMENT** of **\$100.00**, payable to the Clerk, United States District Court, due immediately.

X Defendant advised of right to appeal within 14 days.

X Defendant remanded to the custody of the U.S. Marshal.

X The Court recommends that the Defendant be placed as close to Palm Beach, FL as possible. Defendant be allowed to participate in a Residential Drug Abuse Treatment Program, if he qualifies.